

REMARKS

Claims 87-132 and 148-159 were pending in the application prior to the present amendment. Claims 93-132 are herein withdrawn. Claims 155-159 are herein canceled. Claims 160-168 are herein added. Thus, claims 87-92, 148-154 and 160-168 are now pending in the application.

Claim Numbering

The claims pending prior to this amendment included two distinct claims bearing the claim number “155” and two distinct claims bearing the claim number “156.” Thus, in order to clarify the record, Applicant has canceled all the previously pending claims with claim numbers larger than 154 and reintroduced these canceled claims as new claims 160 through 166.

Petition from Requirement for Restriction under 37 CFR 1.144

Concurrently with this Amendment, Applicant has petitioned the Director to review the restriction requirement as provided for by 37 CFR 1.144.

Art-Based Rejections

Claims 87, 88, 90-92, 148-150, 152-156, 158 and 159 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Gabber et al. (USPN 5,961, 593). Furthermore, claims 89, 151 and 157 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Gabber et al. in view of Official Notice. Applicants respectfully traverse these rejections.

Claim 87 recites a method comprising:

- (a) a financial institution maintaining an actual credit account for a first entity;
- (b) the financial institution establishing for the first entity a pseudo credit account corresponding to the actual credit account, an identifier for the pseudo credit account, and a pseudo expiration date for the pseudo credit account;
- (c) the financial institution receiving the pseudo credit account identifier from a second entity through an electronic network in association with a purchase by the first entity of something from the second entity, the financial institution being different from each of the first and second entities;
- (d) the financial institution withholding from the second entity information regarding the actual credit account;
- (e) the financial institution transmitting an authorization for payment on behalf of the first entity to the second entity under the pseudo credit account identifier; and
- (f) the financial institution applying a charge against the actual credit account in

an amount corresponding to the payment.¹

The Examiner's discussion of claim 87 equates Gabber's "central proxy" with the claimed "financial institution,"² Gabber's "user" with the claimed "first entity,"³ Gabber's "server site" with the claimed "second entity,"⁴ and Gabber's "substitute identifiers" with the claimed "authorization for payment."⁵ This reading of Gabber is flawed, however, since Gabber never suggests that the central proxy "receiv[es] [a] pseudo credit account identifier" from a "server site." Indeed, the Examiner has not pointed to anything in Gabber that is believed to correspond to said "receiving." The Examiner's argument at page 4 of the present Office Action repeatedly mentions Gabber's "substitute identifiers." Applicant notes, however, that Gabber's "central proxy" provides "substitute identifiers" to server sites.⁶ Gabber does not disclose its central proxy as "receiving" substitute identifiers from the server site. Thus, the claimed "pseudo credit account identifier" cannot be reasonably equated with any of Gabber's "substitute identifiers."

The Examiner's identification of Gabber's "central proxy" with the claimed "financial institution" is additionally flawed because Gabber never teaches that the central proxy "maintain[s] an actual credit account" as claimed for the user. The Examiner notes that Gabber's central proxy "includes functionality necessary to support electronic payment."⁷ Gabber discloses two mechanisms for electronic payment.⁸ In the first mechanism, the central proxy "provide[s] its own valid credit card number to the requesting site and then collect[s] money from its users."⁹ In the second mechanism, the central proxy "generate[s] an alias credit card number and expiration date" and "send[s] it to a requesting site."¹⁰ Neither mechanism implies or suggests that central proxy maintains an "actual credit account" for the user. In particular, the

¹ The labels (a) through (f) have been added here for the sake of discussion.

² This identification is implicit in the parallelism of the Examiner's assertions at Office Action, page 4, lines 6-10: "Gabber teaches *transmitting payment* from the financial institution" and "Gabber teaches the proxy system *provides substitute identifiers*." (Emphasis added).

³ See Office Action page 4, lines 6-10, especially where the Examiner refers to "payment ... on behalf of the first user" and "keeping the identity of the user secret."

⁴ See Office Action page 4, lines 8-10, especially where the Examiner refers to "server sites"

⁵ See Office Action page 4, lines 17-19, especially where the Examiner asserts "the substitute identification created using the credit information is also sent to the second user from the proxy system on behalf of the first user."

⁶ See Gabber col. 10, lines 41-47.

⁷ See Office Action, page 4, lines 12-13, quoting Gabber col. 12, lines 45-49.

⁸ See Gabber col. 12, lines 45 through col. 13, line 14.

⁹ See Gabber col. 12, line 66 through col. 13, line 1.

¹⁰ See Gabber col. 13, lines 5-14.

first mechanism's "collect[ion] of money from the user" does not in any way imply that the central proxy maintains "an actual credit account" for the user.

Thus, claim 87 and its dependents are patentably distinct over the cited references at least for the reasons given above. Claims 150 and 162 each recite features similar to those recited in claim 87. Thus, these claims and their dependent are patentably distinct over the cited references at least for reasons similar to those given above.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-37702/MKB.

Respectfully submitted,

Date: October 29, 2008

By: /Mark K. Brightwell/
Mark K. Brightwell
Reg. No. 47,446
Agent for Applicant

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800